

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TROY ETTS, et al.,

Civil Case No. 13-CV-11588

Plaintiffs,

vs.

HON. MARK A. GOLDSMITH

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, as Trustee for Securitized Asset  
Backed Receivables LLC Trust 2004-NCI,  
Pooling and Servicing Agreement Dated as of  
April, 2004, et al.,

Defendants.

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**ORDER DENYING THE MOTIONS TO DISMISS AS MOOT (DKT. 5 and 7)**

On May 28, 2013, the Court entered an Order (Dkt. 6) stating that it had reviewed Defendant Deutsche Bank National Trust Company's motion to dismiss (Dkt. 5). The Court did not express any view regarding the merits of the motion to dismiss, but afforded Plaintiffs an opportunity to cure any purported pleading defects by granting Plaintiffs leave to file an amended complaint by June 11, 2013. The Court stated that if Plaintiffs filed an amended complaint, the Court would deny without prejudice the motion to dismiss as moot. After the Court entered its Order, Defendant Randall S. Miller & Associates P.C. filed, on the same day, a motion to dismiss the original complaint (Dkt. 7). On June 11, 2013, Plaintiffs filed an amended complaint (Dkt. 11).

Accordingly, because Plaintiffs have filed an amended complaint, the currently pending motions to dismiss (Dkts. 5 and 7) are denied as moot.

SO ORDERED.

Dated: June 12, 2013  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 12, 2013.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager